

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LAWRENCE J. MESITE,
Plaintiff

V.

NEWTON POLICE OFFICER, DAWN HOUGH,
NEWTON POLICE OFFICER, JOANNE BLAY,
NEWTON POLICE OFFICER, DINA VACCA,
CITY OF NEWTON, SUPERINTENDENT,
KENNETH NELSON AND BRIDGEWATER
STATE HOSPITAL

Defendants

CIVIL ACTION
NO. 04-11942GAO

**MOTION TO DISMISS FOR
FAILURE TO COMPLY WITH COURT ORDER**

The remaining City of Newton Defendants in the above-captioned matter, Police Officers Dawn Hough, Joanne Blay, and Dina Vacca (collectively the “City Police Officers”), hereby move to dismiss this matter.

In support of this motion, the City Police Officers state as follows:

1. On July 14, 2006, in response to a motion to compel medical documents filed by the City Police Officers, this Court ordered Plaintiff to “within 60 days, produce documents responsive to Document Request No. 1 and Document Request No. 2 of Defendants’ First Request For Production of Documents.” (copy annexed hereto).

2. No documents whatsoever have been produced by Plaintiff in response to the Court's Order.

DEFENDANTS, CITY OF NEWTON
POLICE OFFICERS DAWN HOUGH,
JOANNE BLAY AND DINA VACCA,

By their attorney,

/s/DBLK

Donnalyn B. Lynch Kahn (BBO # 556609)
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Dated: September 15, 2006